

# **CITY COUNCIL AGENDA**

**AUGUST 19, 2008**

**AMENDED AGENDA**

PETE CONSTANT  
FORREST WILLIAMS  
SAM LICCARDO  
KANSEN CHU  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON P. NGUYEN  
DAVID D CORTESE, VICE MAYOR  
JUDY CHIRCO  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2<sup>nd</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
  - \* 9:00 a.m. - Closed Session, Call to Order in Council Chambers  
Adjourn to Closed Session in Council Chambers Conference Room, W133  
[See Separate Agenda](#)
  - 1:30 p.m. - Regular Session, Council Chambers, City Hall
  - 7:00 p.m. - **CANCELLED**
- **Invocation (District 7)**  
Pastor Arnold of the Cryy Out Christian Fellowship
- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

- **Closed Session Report**

## **1. CEREMONIAL ITEMS**

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- 1.1 Presentation of a proclamation to NVIDIA declaring August 25, 2008 – September 1, 2008 as “Visual Computing Week”. (Mayor/Liccardo)  
(Deferred from 6/3/08 – Item 1.5)

# 1. CEREMONIAL ITEMS

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- 1.2 Presentation of a commendation to Alberto Olmos in recognition of his many years of service as President of Los Bomberos of Northern California. (Campos)

# 2. CONSENT CALENDAR

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

## 2.1 Approval of Minutes.

**Recommendation:** Approval of minutes.

- (a) [Regular Minutes of May 6, 2008](#)
- (b) [Regular Minutes of May 13, 2008](#)
- (c) [Regular Minutes of May 20, 2008](#)
- (d) Regular Minutes of June 3, 2008

\* **RECOMMEND DEFERRAL TO 9/9/08 PER CITY CLERK**

- \* (e) [Special Meeting Minutes of May 27, 2008](#)

## 2.2 Final adoption of ordinances.

[Attachment – Letter from the Water Control Plant](#)

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28358 – Amending Chapters 22.04 and 22.08 of Title 22 of the San José Municipal Code to update and modify the art in public places requirements and the provisions regarding the operation of the convention and cultural facilities.
- (b) ORD. NO. 28359 – Amending Section 4.04.020 of Chapter 4.04 of Title 4 of the San José Municipal Code to increase administrative contract authority for grant agreements, public art agreements and sponsorship agreements.

## 2.3 [Approval of Travel for the City Clerk.](#)

**Recommendation:**

- (a) Approve travel for City Clerk Lee Price to Montecito, California on August 14-22, 2008 to provide training services at Continuing Education for Public Officials. Source of Funds: Continuing Education for Public Officials.
- (b) Approve travel for City Clerk Lee Price to Riverside, California on September 2-5, 2008 to provide training services at Technical Track for City Clerks. Source of Funds: Technical Track for City Clerks.

(City Clerk)

(Rules Committee referral 8/6/08)

## 2. CONSENT CALENDAR

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### 2.4 [Contract Change Order with Kiewit Pacific Company.](#)

#### [Attachment – Letter from the Water Pollution Control Plant](#)

**Recommendation:** Approve a change order for the project entitled, “San José/Santa Clara Water Pollution Control Plant Reliability Improvements Project,” for a total amount of \$301,300 with no change to the term of contract with Kiewit Pacific Company. CEQA: Exempt, File Nos. PP03-05-183 and PP04-07-217. (Environmental Services)

### 2.5 [Amendment to the Agreement with Anderson Pacific Engineering Construction.](#)

#### [Attachment – Letter from the Water Pollution Control Plant](#)

#### \* **Recommendation:**

- (a) Approve a change order to extend the term of the contract with Anderson Pacific Engineering Construction, Inc. for the project entitled “San José/Santa Clara Water Pollution Control Plant, FY 2007/2008 Capital Improvement Program, East Primary Influent Channel Repair Project,” from June 18, 2008 to October 16, 2008.
- (b) Approve an increase in the contingency for the project in the amount of \$70,000 for a total contingency amount of \$140,000.

CEQA: Exempt, File No. PP07-141. (Environmental Services)

### 2.6 [Grant Agreement with Mansion Grove Apartments for Retrofit of Recycled Water Facilities.](#)

#### [Attachment – Letter from the Water Pollution Control Plant](#)

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute a grant agreement with Mansion Grove Apartments in an amount not-to-exceed \$220,000 for retrofit of recycled water facilities. CEQA: Resolution No. 64667 (SCH92-01-3071) and Addenda thereto including No. 1, “San José Nonpotable Reclamation Project (November, 1995). (Environmental Services)

### 2.7 [San José Municipal Water System’s Water Supply Assessment for Gavilan College – Coyote Campus.](#)

**Recommendation:** Approve San José Municipal Water System’s Water Supply Assessment for the Gavilan College Coyote Campus. CEQA: Exempt, File No. PP08-151. Council District 2. (Environmental Services)

### 2.8 [Transfer of Treatment Plant Capacity from Cupertino Sanitary District to the City of Milpitas.](#)

#### [Attachment – Letter from the Water Pollution Control Plant](#)

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute amendments to agreements among the cities of San José, Santa Clara and Milpitas and Cupertino Sanitary District to reflect the transfer of 0.75 million gallons of capacity in the San José/Santa Clara Water Pollution Plant from Cupertino Sanitary District to the City of Milpitas. CEQA: Not a Project. (Environmental Services)

## 2. CONSENT CALENDAR

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### 2.9 [Report on Open Purchase Orders for FY 2008-2009 #2](#)

**Recommendation:** Approve award of open purchase orders for supplies, materials, equipment and services for FY 2008-2009 #2 and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration's memo to Council for specific CEQA clearance determinations on each recommended action. (Finance)

### 2.10 [Amendment to the Agreement with Winzler & Kelly.](#)

**Recommendation:**

- (a) Approve a Second Amendment to an Agreement with Winzler & Kelly for consultant services to design engineering solutions to repair Upper Penitencia Creek bridges and stream damage in Alum Rock Park by increasing the scope of work, extending the term of the contract to June 30, 2009, increasing compensation by \$37,000 to an amount not-to-exceed \$337,000, and reflecting the current name of the consultant that has changed since execution of the original Agreement and First Amendment.
- (b) Adopt the following Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 4 (Fund 381) to:
  - (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Capital Maintenance Projects by \$37,000.
  - (2) Decrease the Ending Fund Balance by \$37,000.

CEQA: Not a Project. Council District 4. (Parks, Recreation and Neighborhood Services/City Manager's Office)

### 2.11 [Initiation of the Annexation/Reorganization of Burbank No. 41.](#)

**Recommendation:** Adopt a resolution initiating proceedings and setting a public hearing on September 23, 2008 at 7:00 p.m. for the reorganization/annexation of the territory designated as Burbank No. 41 which involves the annexation to the City of San José of approximately 16 gross acres of land located on the north side of Stevens Creek Boulevard, west of Revey Avenue, including additional properties along Bellerose Drive, Di Salvo Avenue, Ciro Avenue, O'Connor Drive and Bailey Avenue, and the detachment of the same from the appropriate special districts including Central Fire District, County Lighting, West Valley Sanitation, and Area No. 01 (Library Service) County Service. CEQA: Resolution No. 65459. Council District 6. (Planning, Building, Code Enforcement)

## 2. CONSENT CALENDAR

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### 2.12 Initiation of the Annexation/Reorganization of Hamilton No. 59.

**Recommendation:** Adopt a resolution initiating proceedings and setting a public hearing on September 23, 2008 at 7:00 p.m. for the reorganization of territory designated as Hamilton No. 59 which involves the annexation to the City of San José of approximately 131 gross acres of land located between Meridian Avenue and Leigh Avenue, north of Hamilton Avenue, and the detachment of the same from the appropriate special districts including Central Fire Protection, County Lighting, West Valley Sanitation, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 6. (Planning, Building and Code Enforcement)

### 2.13 Initiation of the Annexation/Reorganization of Meridian No. 73.

**Recommendation:** Adopt a resolution initiating proceedings and setting a public hearing on September 23, 2008 at 7:00 p.m. for the reorganization of territory designated as Meridian No. 73 which involves the annexation to the City of San José of approximately 147 gross acres of land located between Hamilton Avenue and Dry Creek Road, west of Meridian Avenue and east of the City of Campbell boundary, and the detachment of the same from the appropriate special districts including Central Fire Protection, County Lighting, West Valley Sanitation, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 6. (Planning, Building and Code Enforcement)

### 2.14 Actions Related to the Sale of a Portion of Ninth Street.

- \* **Recommendation:**
- (a) Adopt a resolution:
    - (1) Declaring the .119 acre City-owned property, a portion of North Ninth Street, surplus to the needs of the City;
    - (2) Approving the sale agreement with an adjacent property owner, DAK, a California General Partnership, in the amount of \$311,000; and
    - (3) Delegating authority to the Director of Public Works to execute all documents necessary to complete the transfer of the property.
  - (b) Direct the City Manager to return with appropriation actions to allocate proceeds from this sale to address the City's Deferred Maintenance and Infrastructure Backlog.
- CEQA: Mitigated Negative Declaration PDC05-059. Council District 3. SNI: 13<sup>th</sup> Street. (Public Works)

### 2.15 Easement Donation for Traffic Signal Modification..

**Recommendation:** Adopt a resolution approving an agreement with Collins & Constant Investments, LLC, for the donation of an approximate 956 square foot public street right-of-way easement on, under, over and through a portion of the property at 1000 South Winchester Boulevard and authorizing the Director of Public Works to execute any additional documents necessary to complete the transaction. CEQA: Exempt, File No. PP06-210. Council Districts 1 and 6. SNI: Winchester. (Public Works)

## 2. CONSENT CALENDAR

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### 2.16 Summary Vacation of a portion of McKee Road.

**Recommendation:** Adopt a resolution summarily vacating a portion of McKee Road located in front of 2740 McKee Road. CEQA: Exempt, File No. PDC03-082. Council District 5. (Public Works)

### 2.17 Amendment to the Agreement with Kleinfelder West Inc.

**Recommendation:** Approve the First Amendment to the Master Agreement with Kleinfelder West Inc. for the special inspections and material testing for the Terminal Area Improvement Program (TAIP) at the Norman Y. Mineta San José International Airport, increasing compensation by \$250,000 for a total amount not-to-exceed \$750,000. CEQA: Not a Project. (Public Works/Airport)

### 2.18 Excused absences for Councilmember Campos.

**Recommendation:** Request for excused absences for Councilmember Campos from all City Council meetings, Council Committee meetings, and other boards, committees or agencies on which Councilmember Campos serves as a member or representative for the City beginning August 27 through November 11, 2008, to be adjusted as necessary by request, due to maternity leave. (Campos)

\* (Rules Committee referral 8/13/08)

### 2.19 Excused absences for Councilmember Constant.

**Recommendation:** Request for excused absences for Councilmember Constant.

(a) Request for an excused absence from the Regular Meeting of the Community & Economic Development Committee of August 25, 2008 due to Authorized City Business: Federated City Employees' Retirement Services Education Training in San Francisco, CA.

(b) Request for an excused absence from the Closed Session and City Council Meeting on August 26, 2008 due to Authorized City Business: Federated City Employees' Retirement Services Education Training in San Francisco, CA.

(Constant)

\* (Rules Committee referral 8/13/08)

### 2.20 Revision to the Mobilehome Advisory Commission.

**Recommendation:** As recommended by the Rules and Open Government Committee, appoint two former members of the Advisory Commission on Rents, Larry Hull and Dan Wagner, to the Mobilehome Advisory Commission through December 31, 2008. (Nguyen)

\* [Rules Committee referral 8/6/08 – Item F(1)]



## 2. CONSENT CALENDAR

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### 2.21 Reappointment to the Library Commission.

**Recommendation:** As recommended by the Rules and Open Government Committee, reappoint Caroline Martin to the Library Commission. (Oliverio)

\* [Rules Committee referral 8/6/08 – Item F(2)]

### 2.22 Appointment to the Arts Commission.

**Recommendation:** As recommended by the Rules and Open Government Committee, appoint Richard Holden to the Arts Commission. (Williams)

\* [Rules Committee referral 8/6/08 – Item F(3)]

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the City Manager, Debra Figone (Verbal Report)

### 3.2 Report of the Rules and Open Government Committee – August 6, 2008 Mayor Reed, Chair

- (a) City Council (City Clerk)
    - (1) Review August 12, 2008 Final Agenda
    - (2) Review August 19, 2008 Special Meeting Draft Agenda
  - (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
  - (c) Legislative Update
    - (1) State
      - (a) Recommendation to adopt a support position for SB 1420 (Padilla). (Williams)
      - (b) Sacramento Update (verbal report). (City Manager's Office)
    - (2) Federal
      - (a) Recommendation to adopt a support position for Federal Housing Legislation: HR 5772 (Murphy) and S 2666 (Cantwell). (Housing)
- \* **HEARD BY COUNCIL 8/12/08**
- (d) Meeting Schedule
    - (1) Approval to reschedule the Employment Lands Study Session from September 2, 2008 to September 16, 2008 from 7:00 p.m. to 9:00 p.m. (Planning, Building and Code Enforcement)
    - (2) Recommendation to set a General Plan City Council fall hearing for the evening of December 2, 2008 continued to December 16, 2008 for General Plan amendments. (Planning, Building and Code Enforcement)
  - (e) The Public Record

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules and Open Government Committee – August 6, 2008 (Cont'd.) Mayor Reed, Chair

- (f) Appointments to Boards, Commissions and Committee
  - (1) Recommend appointment of two former members of the Advisory Commission on Rents to the Mobilehome Advisory Commission to a term ending December 31, 2008 and approve amending the structure of the Mobilehome Advisory Commission. (Nguyen)
  - (2) Approval Library Commission Re-appointment of Caroline Martin to a term ending June 30, 2011. (Oliverio)
  - (3) Approve appointment of Richard Holden to the Arts Commission to fill an unexpired term ending June 30, 2009. (Williams)
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Approve the proposed designation of Councilmember Chirco as the voting delegate and Councilmember Chu as the alternate voting delegate at the September 27, 2008 Annual Business Meeting for the League of California Cities. (City Manager's Office)  
**HEARD BY COUNCIL 8/12/08**
  - (2) Accept the proposed Framework for the Formulation of a Citywide Inclusionary Housing Policy. (Housing)
- (h) Review of additions to Council Committee Agendas
  - (1) Community and Economic Development Committee
    - (a) Add report entitled "Audit of City Funds for the Pune Sister City Committee" to the August 25, 2008 CED Committee agenda. (City Manager's Office)
    - (b) Add status report regarding the Joint City-County Health Care Planning Task Force to the next CED Committee agenda. (Liccardo)
  - (2) Neighborhood Services and Education Committee
  - (3) Transportation and Environment Committee
  - (4) Public Safety, Finance and Strategic Support Committee
- (i) Open Government Initiatives
- (j) Open Forum
- (k) Adjournment

#### 3.3 Report of the Public Safety, Finance and Strategic Support Committee – [June 19, 2008](#) Councilmember Nguyen, Chair

- (a) Action of Items Recommended for Deferral.
  - (1) Procedures, Protocols and Policies Regarding the County Jail. (Oliverio)
- (b) Redevelopment Agency Monthly Financial Reports. (Redevelopment Agency)
  - (1) Financial Statements
  - (2) Capital Cost Report
  - (3) Cash Flow Projections
- (c) Bi-Monthly Financial Report for March/April 2008. (Budget)  
*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.3 Report of the Public Safety, Finance and Strategic Support Committee – June 19, 2008 (Cont'd.)

- (d) Third Quarter Report on 2007-2008 Performance Measurements for January-March 2008. (City Manager's Office)
    - (1) Public Safety
  - (e) Public Safety Quarterly Reports. (Fire/Police)
    - (1) Fire
    - (2) Police
  - (f) Report on 2007-08 Third Quarter Revenue Collection Strategic Plan. (Finance)
  - (g) Report on Department Business Technologies. (Information Technology)
  - (h) Follow-up Review of Arena Management Agreement. (City Auditor)
  - (i) Oral Petition
  - (j) Adjournment
- (Deferred from 8/5/08 – Item 3.4)

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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#### 4.1 Report of the Community & Economic Development Committee Councilmember Pyle, Chair – *No Report.*

#### 4.2 Mexican Heritage Plaza Transition Plan.

\* **Recommendation:**

- (a) Accept the report presented to the Community & Economic Development Committee on June 23, 2008 regarding the Mexican Heritage Plaza transition update.
- (b) Authorize the City Manager to negotiate and execute a cooperation agreement with the Hispanic Foundation of Silicon Valley to join the City in managing the business planning process for the Mexican Heritage Plaza transition to community cultural center.

CEQA: Not a Project. Council District 5. (City Manager's Office/General Services)  
[Community and Economic Development Committee referral 06/23/08 – Item (h)]  
(Deferred from 8/5/08 – Item 4.3)

**RECOMMEND DEFERRAL TO 8/26/08 PER ADMINISTRATION**

#### 4.3 Ordinance Establishing Convention Center Facilities District Financing Procedure.

**Recommendation:** Approve an ordinance amending Title 14 of the San José Municipal Code to add a new Chapter 14.32 to establish a procedure for the financing of certain public capital facilities through the establishment of Convention Center Facilities Districts, the levy of special taxes and the issuance of bonds secured by such special taxes. CEQA: Not a Project. (City Attorney's Office)

\* **RECOMMEND DEFERRAL TO 9/09/08 PER ADMINISTRATION**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.4 [Tesla Motors Potential Location in San José.](#)

[Attachment – Letter from the Water Pollution Control Plant](#)

**Recommendation:** Authorize the City Manager or her designee to initiate discussion with Tesla Motors regarding the potential use of a portion of the buffer lands associated with the Water Pollution Control Plant and other privately held sites in San José for a future manufacturing, research and development site. CEQA: Not a Project. Council District 4. (Economic Development)

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Report of the Neighborhood Services and Education Committee Councilmember Chirco, Chair – *No Report.*

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Report of the Transportation and Environment Committee Councilmember Williams, Chair – *No Report.*

### 6.2 [Presentation by the City of San José Director of Aviation Regarding the Current Status of the Airline Industry.](#)

**Recommendation:** Accept a presentation by the City of San José Director of Aviation regarding the current status of the airline industry. CEQA: Not a Project. (Airport)  
(Deferred from 8/5/08 – Item 6.2)

### 6.3 [Amendments to the Airline-Airport Lease and Operating Agreements.](#)

\* **Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute amendments to the Airline-Airport Lease and Operating Agreements with all passenger airlines operating at the Norman Y. Mineta San José International Airport and First Amendments to the Airline-Airport Cargo Operating Agreements with all cargo airlines operating at the Airport, to use a portion of the City's Airline Rate Stabilization Fund in an amount not-to-exceed \$2,172,000 to reduce projected 2008-2009 terminal rents below the projected terminal rental rates included in the Adopted 2008-2009 Airport budget, retroactive to July 1, 2008. CEQA: Resolution Nos. 67380 and 71451, File No. PP 08-142. (Airport)

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.4 [Amendments to the Federal Aviation Administration to impose and use Passenger Facility Charges.](#)

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Submit an application to the Federal Aviation Administration to impose and use Passenger Facility Charges (PFC's) for the Terminal B, Phase 1 and Roadway Improvements – Grade Separations Projects in the amount of \$120,933,000.
- (b) Amend the approved PFC Noise Attenuation project by more than 25% of the original approved amount with an increase in the total cost of \$621,121.
- (c) Amend seven completed PFC projects by less than 25% of the original approved amounts with an increase in the total cost of \$525,609, for a net increase in the total PFC authority in the amount of \$122,079,730, and with a total approved PFC collection authority in the amount of \$1,094,317,121, through an estimated charge expiration date of September 1, 2030.

CEQA: Resolution Nos. 63780 and 71451, File No. PP08-145. (Airport)

### 6.5 [Agreement with the Transportation Security Administration for the Terminal A Checked Baggage Explosive Detection System.](#)

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute an Other Transaction Agreement with the Transportation Security Administration (TSA), an agency of the United States Department of Homeland Security, to establish the respective obligations and other responsibilities of the City and the TSA regarding the Terminal A In-Line Checked Baggage Explosive Detection System, and to provide for funding by the TSA of ninety percent (90%) of allowable costs of the baggage screening system not to exceed a total reimbursement of \$20,300,000, for a term from the date of execution through completion and acceptance of the project. CEQA: Resolution Nos. 67380 and 71451, File No. PP 08-149. (Airport)

### 6.6 [Airport North Concourse General Building Contingency Budget.](#)

**Recommendation:** Increase the contingency budget for the Norman Y. Mineta San José International Airport North Concourse General Building, Package 4 in the total amount of \$1,699,975, utilizing unspent allowances for Bid Items 2 and 3, at no increase in the total contract amount. CEQA: Resolution Nos. 67380 and 71451, File No. PP08-135. (Public Works/Airport)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 9.1 Ordinance and Other Actions Related to Freestanding News Racks within the Downtown Core and Civic Plaza.

**Recommendation:** Approve an ordinance:

- (a) Placing a moratorium of the installation and relocation of freestanding news racks within the Downtown Core and the Civic Plaza Redevelopment Project Area; and,
- (b) Establishing a consolidated pedestal mounted news rack pilot program within the Downtown Core and the Civic Plaza Redevelopment Project Area for a period of September 30, 2008 to August 31, 2010.

CEQA: Exempt, File No. PP08-104. Council District 3. (City Manager's Office/ Redevelopment Agency)

(Deferred from 6/17/08 – Item 9.3 and 8/12/08 – Item 9.1)

\* **DROP TO BE RENOTICED**

- Notice of City Engineer's Pending Decision on Final Maps
- Notice of City Engineer's Award of Construction Projects
- Open Forum (to be heard no earlier than 3:30p.m.)
- Adjournment

# **NOTE: THE 7:00 P.M. PORTION OF THE CITY COUNCIL MEETING HAS BEEN CANCELLED**

## **10. GENERAL PLAN PUBLIC HEARINGS**

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No General Plan Public Hearing at this time.

## **11. PUBLIC HEARINGS**

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### **11.1 Public Hearings on Consent Calendar.**

None.

### **11.2 [ADMINISTRATIVE HEARING regarding an appeal of the Planning Commission's decision to approve a Conditional Use Permit to convert an existing bookstore for daycare center and preschool use.](#)**

**Recommendation:** Conduct an ADMINISTRATIVE HEARING and consider an appeal of the Planning Commission's decision to approve a Conditional Use Permit to convert an existing bookstore for daycare center and preschool use on a 0.40 gross acre site, in the CO Office Commercial Zoning District, located on the northwest corner of Bercaw Lane and Wyrick Avenue (14831 Bercaw Lane) (Beck, Diaz and Menendez, LLC, Owner). CEQA: Exempt.

CP07-092 – District 9

\* **RESCHEDULED TO 8/26/08 IN THE AFTERNOON DUE TO CANCELLATION OF EVENING COUNCIL MEETING, PER RULES AND OPEN GOVERNMENT COMMITTEE**

## **CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.



**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.